

## US District Court Civil Docket

U.S. District - New York Southern  
(Foley Square - NYC)

**1:06cv5571**

**Unigene Laboratories, Inc et al v. Apotex, Inc.Et al**

This case was retrieved from the court on Sunday, May 25, 2008

Date Filed: 07/24/2006	Class Code: ECF
Assigned To: Judge Robert P Patterson	Closed: No
Referred To:	Statute: <u>35:271</u>
Nature of suit: Patent (830)	Jury Demand: None
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

### Litigants

Unigene Laboratories, Inc  
Plaintiff

### Attorneys

Andrea L Wayda  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8525  
Fax: (212)-0415-8701  
Email: Jsweeney@morganfinnegan.com

Joseph A Degirolamo  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8526  
Fax: (212)-415-8701  
Email: Jdegirolamo@morganfinnegan.com

Sean E Jackson  
[COR LD NTC]  
Morgan & Finnegan, LLP  
3 World Financial Center  
New York , NY 10281-2101  
USA  
(212) 415-8700  
Fax: (212) 415-8701

Sonia Keenan  
[COR LD NTC]  
Morgan & Financial Center  
3 World Financial Center  
New York , NY 10281-2101  
USA  
(212) 415-8700  
Fax: (212) 415-8701

Upsher-Smith Laboratories, Inc  
Plaintiff

Andrea L Wayda  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8525  
Fax: (212)-0415-8701  
Email: Jsweeney@morganfinnegan.com

Joseph A Degirolamo  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8526  
Fax: (212)-415-8701  
Email: Jdegirolamo@morganfinnegan.com

Sean E Jackson  
[COR LD NTC]  
Morgan & Finnegan, LLP  
3 World Financial Center  
New York , NY 10281-2101  
USA  
(212) 415-8700  
Fax: (212) 415-8701

Sonia Keenan  
[COR LD NTC]  
Morgan & Financial Center  
3 World Financial Center  
New York , NY 10281-2101  
USA  
(212) 415-8700  
Fax: (212) 415-8701

Apotex, Inc  
Defendant

Lynn Marie Terrebonne  
[COR LD NTC]  
[Term: 11/21/2006]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Lmterrebonne@crbcp.com

Marc Benedict Bassler  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
Seven Penn Center  
1635 Market Street  
12TH Floor  
Philadelphia , PA 19103-2212  
USA  
(215) 567-2010

Robert S Silver  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010

William Joseph Castillo  
[COR LD NTC]

Apotex, Corp  
Defendant

Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

Allan H Fried  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
12TH Floor  
Philadelphia , PA 19103  
USA

James Kozuch  
[COR LD NTC]  
Cesar, Rivise, Bernstein Cohen & Pokotiluw  
1635 Market Street  
12TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010

Manny D Pokotilow  
[COR LD NTC]  
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.  
1635 MARKET STREET  
11TH FLOOR  
PHILADELPHIA, PA 19103  
(215) 567-2010  
FAX: (215)-751-1142  
EMAIL: MPOKOTILOW@CRBCP.COM  
PRO HAC VICE

Lynn Marie Terrebonne  
[COR LD NTC]  
[Term: 11/21/2006]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Lmterrebonne@crbcp.com

Marc Benedict Bassler  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
Seven Penn Center  
1635 Market Street  
12TH Floor  
Philadelphia , PA 19103-2212  
USA  
(215) 567-2010

Robert S Silver  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

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[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
12TH Floor  
Philadelphia , PA 19103  
USA

James Kozuch  
[COR LD NTC]  
Cesar, Rivise, Bernstein Cohen & Pokotiluw  
1635 Market Street  
12TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010

Manny D Pokotilow  
[COR LD NTC]  
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.  
1635 MARKET STREET  
11TH FLOOR  
PHILADELPHIA, PA 19103  
(215) 567-2010  
FAX: (215)-751-1142  
EMAIL: MPOKOTILOW@CRBCP.COM  
PRO HAC VICE

Apotex, Corp  
Counter Claimant

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street, 11TH Floor  
Philadelphia , PA 19103  
USA  
(215)-567-2010  
Fax: (215)-751-1142  
Email: Wjcastillo@crbcp.com

Apotex, Inc  
Counter Claimant

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

Unigene Laboratories, Inc  
Counter Defendant

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8525  
Fax: (212)-0415-8701  
Email: Jsweeney@morganfinnegan.com

Upsher-Smith Laboratories, Inc  
Counter Defendant

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8525  
Fax: (212)-0415-8701  
Email: Jsweeney@morganfinnegan.com

Apotex, Corp Cross  
Claimant

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street

Apotex, Inc Cross  
Claimant

11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

Unigene Laboratories, Inc Cross  
Defendant

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8525  
Fax: (212)-0415-8701  
Email: Jsweeney@morganfinnegan.com

Joseph A Degirolamo  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8526  
Fax: (212)-415-8701  
Email: Jdegirolamo@morganfinnegan.com

Upsher-Smith Laboratories, Inc Cross  
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John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
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[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8526  
Fax: (212)-415-8701  
Email: Jdegirolamo@morganfinnegan.com

Apotex, Corp  
Counter Claimant

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103  
USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

Apotex, Inc  
Counter Claimant

William Joseph Castillo  
[COR LD NTC]  
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd  
1635 Market Street  
11TH Floor  
Philadelphia , PA 19103

Unigene Laboratories, Inc  
Counter Defendant

USA  
(215) 567-2010  
Fax: (215) 751-1142  
Email: Wjcastillo@crbcp.com

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
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Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8526  
Fax: (212)-415-8701  
Email: Jdegirolamo@morganfinnegan.com

Upsher-Smith Laboratories, Inc  
Counter Defendant

John Francis Sweeney  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8525  
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Joseph A Degirolamo  
[COR LD NTC]  
Morgan & Finnegan, LLP  
Three World Financial Center  
New York , NY 10281  
USA  
(212)-415-8526  
Fax: (212)-415-8701  
Email: Jdegirolamo@morganfinnegan.com

Date	#	Proceeding Text
07/24/2006	1	COMPLAINT against Apotex, Inc and Apotex, Corp. (Filing Fee \$ 350.00, Receipt Number 585332) Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.(jeh, ) Modified on 7/26/2006 (jeh, ). (Entered: 07/25/2006)
07/24/2006	--	Case Designated ECF. (jeh, ) (Entered: 07/25/2006)
07/24/2006	--	Magistrate Judge Theodore H. Katz is so designated. (jeh, ) (Entered: 07/25/2006)
07/24/2006	2	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Upsher-Smith Laboratories, Inc.(jeh, ). (Entered: 07/25/2006)
07/24/2006	--	Mailed notice to Commissioner of Patents and Trademarks to report the filing of this action. (jeh, ) (Entered: 07/25/2006)
07/24/2006	3	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Unigene Laboratories, Inc.(jeh, ) Additional attachment (s) added on 7/25/2006 (jeh, ). (Entered: 07/25/2006)
07/24/2006	--	SUMMONS ISSUED as to Apotex, Corp., Apotex, Inc. (jeh, ) (Entered: 07/26/2006)
07/25/2006	--	***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney John Francis Sweeney for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document 3 Rule 7.1 Disclosure Statement to: case_openings@nysd.uscourts.gov. (jeh, ) (Entered: 07/25/2006)
08/09/2006	4	WAIVER OF SERVICE RETURNED EXECUTED. Apotex, Corp. waiver sent on 7/26/2006, answer due 9/25/2006. Document filed by Unigene Laboratories, Inc.; Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 08/09/2006)
08/09/2006	5	WAIVER OF SERVICE RETURNED EXECUTED. Apotex, Inc. waiver sent on 7/26/2006, answer due 9/25/2006. Document filed by Unigene Laboratories, Inc.; Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 08/09/2006)
08/09/2006	6	NOTICE of Filing Waiver Of Service Of Summons By Defendants Apotex, Inc. and Apotex, Corp. re: 5 Waiver of Service Executed, 4 Waiver of Service Executed. Document filed by Unigene Laboratories, Inc., Upsher-

		Smith Laboratories, Inc.. (Sweeney, John) (Entered: 08/09/2006)
08/14/2006	7	NOTICE OF APPEARANCE by Joseph A. DeGirolamo on behalf of Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc. (DeGirolamo, Joseph) (Entered: 08/14/2006)
09/12/2006	--	***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) Apote, Inc.'s and Apotex Corp.'s Rule 7.1 Disclosure Statement by Robert S. Silver, William J. Castillo and Lynne M. Terrebonne, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (tve, ) (Entered: 09/25/2006)
09/18/2006	10	MOTION for Lynn M. Terrebonne to Appear Pro Hac Vice. Document filed by Apotex, Corp., Apotex, Inc. Proposed Order attached. (db, ) (Entered: 09/19/2006)
09/19/2006	8	REPORT of Rule 26(f) Planning Meeting. (DeGirolamo, Joseph) (Entered: 09/19/2006)
09/19/2006	9	MOTION for Robert S. Silver to Appear Pro Hac Vice. Document filed by Apotex, Corp., Apotex, Inc. Proposed Order attached. (db, ) (Entered: 09/19/2006)
09/20/2006	11	ANSWER to Complaint., COUNTERCLAIM against all plaintiffs. Document filed by Apotex, Corp., Apotex, Inc.. (Castillo, William) (Entered: 09/20/2006)
09/20/2006	12	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Apotex, Corp., Apotex, Corp., Apotex, Inc., Apotex, Inc.. (Castillo, William) (Entered: 09/20/2006)
09/20/2006	13	ORDER granting 9 Motion for Robert Silver to Appear Pro Hac Vice. Application granted upon Mr. Robert Silver paying the required fee to the clerk of the court. (Signed by Judge Robert P. Patterson on 9/20/06) (dle, ) Modified on 9/21/2006 (dle, ). (Entered: 09/21/2006)
09/20/2006	--	Transmission to Attorney Admissions Clerk. Transmitted re: 13 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle, ) (Entered: 09/21/2006)
09/20/2006	14	ORDER granting 10 Motion for Lynn Terrebone to Appear Pro Hac Vice. Application granted subject to Ms. Ferrebone's payment of the required fee to the clerk of the court. . (Signed by Judge Robert P. Patterson on 9/20/06) (dle, ) (Entered: 09/21/2006)
09/20/2006	--	Transmission to Attorney Admissions Clerk. Transmitted re: 14 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle, ) (Entered: 09/21/2006)
09/26/2006	--	Minute Entry for proceedings held before Judge Robert P. Patterson : Interim Pretrial Conference held on 9/26/2006. (js, ) (Entered: 10/02/2006)
10/06/2006	16	FED.R CIV. P. 26(F) REPORT OF PARTIES PLANNING CONFERENCE AND PROPOSED CASE MANAGEMENT PLAN AND SCHEDULING ORDER: Joinder of Parties due by 2/9/2007. Replies due by 1/4/2008. Discovery due by 8/31/2007. (Signed by Judge Robert P. Patterson on 10/6/06) (js, ) (Entered: 10/10/2006)
10/10/2006	15	NOTICE of Defendants' Initial Rule 26 Disclosure. Document filed by Apotex, Corp., Apotex, Corp., Apotex, Inc., Apotex, Inc.. (Castillo, William) (Entered: 10/10/2006)
10/10/2006	17	REPLY re: 11 Answer to Complaint, Counterclaim. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc., Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (DeGirolamo, Joseph) (Entered: 10/10/2006)
10/10/2006	18	NOTICE of Plaintiffs Rule 26(a)(1) Initial Disclosures. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc., Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (DeGirolamo, Joseph) (Entered: 10/10/2006)
10/11/2006	--	CASHIERS OFFICE REMARK on 13 Order on Motion to Appear Pro Hac Vice, 14 Order on Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 10/10/2006, Receipt Number 592881. (jd, ) (Entered: 10/11/2006)
10/18/2006	19	NOTICE of Supplemental Rule 26 Disclosure. Document filed by Apotex, Corp., Apotex, Corp., Apotex, Inc., Apotex, Inc.. (Castillo, William) (Entered: 10/18/2006)
10/18/2006	20	NOTICE of Supplemental Rule 26 Disclosure (2). Document filed by Apotex, Corp., Apotex, Corp., Apotex, Inc., Apotex, Inc.. (Castillo, William) (Entered: 10/18/2006)
11/06/2006	21	MOTION for Lynn M. Terrebonne to Withdraw as Attorney. Document filed by Apotex, Corp., Apotex, Corp., Apotex, Inc., Apotex, Inc.. (Castillo, William) (Entered: 11/06/2006)
11/21/2006	22	ORDER granting 21 Motion to Withdraw as Attorney. Attorney Lynn Marie Terrebonne terminated . (Signed by Judge Robert P. Patterson on 11/21/06) (jco, ) (Entered: 11/22/2006)
01/25/2007	23	MOTION for Marc B. Bassler to Appear Pro Hac Vice. Document filed by Apotex, Corp., Apotex, Inc. (jco) (Entered: 01/26/2007)
01/26/2007	--	CASHIERS OFFICE REMARK in the amount of \$25.00, paid on 01/25/2007, Receipt Number 603331. Payment Pro Hac Vice for Marc B. Bassler. (jd) (Entered: 01/26/2007)
01/31/2007	24	ORDER granting 23 Motion for Marc B. Bassler to Appear Pro Hac Vice. (Signed by Judge Robert P. Patterson on 1/31/2007) (lb) (Entered: 02/01/2007)
01/31/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 24 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (lb) (Entered: 02/01/2007)
02/01/2007	25	ENDORSED LETTER addressed to Judge Katz from Joseph DeGirolamo dated 1/29/07 re request for a conference: application granted, conference at 10:30 am on 2/2/07. (Signed by Judge Robert P. Patterson on 1/31/07) (cd) (Entered: 02/06/2007)
02/01/2007	--	Set/Reset Scheduling Order Deadlines: Status Conference set for 2/2/2007 10:30 AM before Judge Robert P. Patterson. (cd) (Entered: 02/06/2007)
02/02/2007	--	Minute Entry for proceedings held before Judge Robert P. Patterson : Interim Pretrial Conference held on 2/2/2007. (js) (Entered: 02/14/2007)

02/02/2007	28	LETTER addressed to Magistrate Judge Theodore H. Katz from Joseph A. DeGirolamo dated 1/29/07 re: two issues relating to the Proposed Stipulated Protective Order. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.(db) (Entered: 02/15/2007)
02/09/2007	26	ENDORSED LETTER addressed to Judge Robert P Patterson from William J. Castillo dated 2/9/2007 re: to request for amendment of the Court's September 19, 2006 "Federal Rule of Civil Procedure 26(f) Report of parties' Planning Conference and Proposed Case Management Plan and Scheduling Order. ENDORSEMENT: APPLICATION GRANTED. 1. Discovery disputed will be handled in the District Court by this Judge. 2. The parties shall appear on February 15, 2007 at 2pm to resolve the terms of the protection order. The Court should be provided with an advance copy as well aswell as any other Rule 16 (c) matters. SO ORDERED. (Signed by Judge Robert P. Patterson on 2/9/2007) (jmi) (Entered: 02/13/2007)
02/13/2007	27	ENDORSED LETTER addressed to Judge Rober P. Patterson from Joseph A. DeGirolamo dated 2/12/07 re: the parties should submit the stipulated Hartford Protective Order of the Court upon its execution.. (Signed by Judge Robert P. Patterson on 2/13/07) (pl) (Entered: 02/14/2007)
02/15/2007	29	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Robert P. Patterson on 2/15/07) (cd) (Entered: 02/16/2007)
02/15/2007	30	ENDORSED LETTER addressed to Judge Patterson from William Castillo dated 2/14/07 re request to meet with Judge Patterson on 2/15/07 at 2 pm: application granted. (Signed by Judge Robert P. Patterson on 2/14/07) (cd) (Entered: 02/16/2007)
04/09/2007	--	MEMORANDUM TO THE DOCKET CLERK: Hearing begun and concluded on 4/9/07 (djc) (Entered: 04/19/2007)
04/25/2007	31	TRANSCRIPT of proceedings held on 4/9/2007 before Judge Robert P. Patterson. (jp) (Entered: 04/25/2007)
05/08/2007	32	AMENDED ANSWER to., CROSSCLAIM against Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc., COUNTERCLAIM against all plaintiffs. Document filed by Apotex, Corp., Apotex,Inc.. (Castillo, William) (Entered: 05/08/2007)
05/24/2007	33	REPLY re: 32 Amended Answer to Complaints, Crossclaim, Counterclaim. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 05/24/2007)
06/14/2007	34	MOTION for Manny D. Pokotilow to Appear Pro Hac Vice. Document filed by Apotex, Corp., Apotex,Inc.(jco) Modified on 6/18/2007 (Lewis, Diahn). (Entered: 06/18/2007)
06/21/2007	35	ORDER granting 34 Motion for Manny D. Pokotilow to Appear Pro Hac Vice. (Signed by Judge Robert P. Patterson on 6/20/07) (kco) (Entered: 06/21/2007)
06/21/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 35 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (kco) (Entered: 06/21/2007)
06/21/2007	38	MOTION for Sonja Keenan to Appear Pro Hac Vice. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.(jco) (Entered: 06/27/2007)
06/25/2007	36	NOTICE OF APPEARANCE by John Francis Sweeney on behalf of Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc. (Sweeney, John) (Entered: 06/25/2007)
06/25/2007	37	ORDER ADMITTING ATTORNEY PRO HAC VICE. Joshua Harris is permitted to appear pro hac vice in association with Movant as co-counsel to Unigene Laboratories, Inc. and Upsher-Smith Laboratories, Inc. (Signed by Judge Richard M. Berman on 6/25/07 (Part I) ) (kco) (Entered: 06/26/2007)
06/25/2007	40	MOTION for Allan H. Fried to Appear Pro Hac Vice. Document filed by Apotex, Corp., Apotex,Inc.(jco) (Entered: 06/28/2007)
06/26/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 37 Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (kco) (Entered: 06/26/2007)
06/26/2007	39	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Andrea L. Wayda for Unigene Laboratories, Inc. and Upsher-Smith Laboratories, Inc. admitted Pro Hac Vice. Subject to payment of fee to Clerk. (Signed by Judge Richard M. Berman (Part 1 Judge) on 6/26/2007) (jar) (Entered: 06/27/2007)
06/27/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 39 Order Admitting Attorney Pro Hac Vice,, to the Attorney Admissions Clerk for updating of Attorney Information. (jar) (Entered: 06/27/2007)
07/09/2007	--	CASHIERS OFFICE REMARK on 35 Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/14/2007, Receipt Number 618230. (jd) (Entered: 07/09/2007)
07/09/2007	--	CASHIERS OFFICE REMARK on 38 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/21/2007, Receipt Number 619003. (jd) (Entered: 07/09/2007)
07/09/2007	41	ORDER granting 38 Motion for Sonja Keenan to Appear Pro Hac Vice. (Signed by Judge Robert P. Patterson on 7/9/07) (dle) (Entered: 07/10/2007)
07/09/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 41 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle) (Entered: 07/10/2007)
07/09/2007	42	ORDER granting 40 Motion for Allan H. Fried to Appear Pro Hac Vice on behalf of Apotex, Inc. and Apotex corp. as co-counsel. (Signed by Judge Robert P. Patterson on 7/9/07) (dle) (Entered: 07/10/2007)
07/09/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 42 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle) (Entered: 07/10/2007)
07/10/2007	--	CASHIERS OFFICE REMARK on 42 Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/26/2007, Receipt Number 619242. (jd) (Entered: 07/10/2007)
07/10/2007	--	CASHIERS OFFICE REMARK on 37 Order Admitting Attorney Pro Hac Vice, in the amount of \$25.00, paid on 06/26/2007, Receipt Number 619339. (jd) (Entered: 07/10/2007)
07/10/2007	--	CASHIERS OFFICE REMARK on 39 Order Admitting Attorney Pro Hac Vice, in the amount of \$25.00, paid on 06/28/2007, Receipt Number 619457. (jd) (Entered: 07/10/2007)



07/12/2007	44	MOTION for Sean E. Jackson to Appear Pro Hac Vice. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.(jco) (Entered: 07/19/2007)
07/17/2007	43	CERTIFICATE of Counsel by John Francis Sweeney on behalf of all plaintiffs. Re: 37 Order Admitting Attorney Pro Hac Vice,. Certificate Of Good Standing Of Joshua Harris From The Supreme Court Of New Jersey In Support Of Plaintiffs Motion For Admission Pro Hac Vice Of Joshua Harris (Sweeney, John) (Entered: 07/17/2007)
07/24/2007	--	CASHIERS OFFICE REMARK on 44 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 07/12/2007, Receipt Number 620565. (jd) (Entered: 07/24/2007)
07/25/2007	45	ORDER granting 44 Motion for Sean E. Jackson to Appear Pro Hac Vice as co-counsel to Unigene Laboratories and Upsher-Smith Laboratories. (Signed by Judge Robert P. Patterson on 7/25/07).(cd) (Entered: 07/26/2007)
07/25/2007	--	Transmission to Attorney Admissions Clerk. Transmitted re: 45 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (cd) (Entered: 07/26/2007)
08/02/2007	46	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION to Compel Response to Interrogatory 10 (Letter). Document filed by Apotex, Corp., Apotex,Inc..(Castillo, William) Modified on 8/3/2007 (KA). (Entered: 08/02/2007)
08/03/2007	--	***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney William Joseph Castillo to MANUALLY RE-FILE Document No. 46 Letter. This document is not filed via ECF. (KA) (Entered: 08/03/2007)
08/03/2007	47	ENDORSED LETTER addressed to Judge Robert P. Patterson from William J. Castillo dated 8/3/07 re: This is to request a conference with Your Honor concerning the Court's permission to remove from the ECF system, a letter brief we inadvertently posted yesterday, August 2, 2007. ENDORSEMENT: Application GRANTED. Conference 8/6/07 at 2 pm Courtroom 24A. (Signed by Judge Robert P. Patterson on 8/3/07) (js) (Entered: 08/06/2007)
08/03/2007	50	MOTION for James J. Kozuch to Appear Pro Hac Vice. Document filed by Apotex, Corp., Apotex,Inc. (jco) (Entered: 08/14/2007)
08/06/2007	48	FILING ERROR - WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY - MOTION to Amend/Correct 16 Scheduling Order (MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO AMEND THE SCHEDULING ORDER). Document filed by Apotex, Corp., Apotex,Inc. (Attachments: # 1 Affidavit # 2 Text of Proposed Order)(Castillo, William) Modified on 8/7/2007 (KA). (Entered: 08/06/2007)
08/06/2007	--	Minute Entry for proceedings held before Judge Robert P. Patterson : Interim Pretrial Conference held on 8/6/2007. (tro) (Entered: 08/14/2007)
08/07/2007	--	***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - PDF ERROR. Note to Attorney William Joseph Castillo to RE-FILE Document 48 MOTION to Amend/Correct 16 Scheduling Order, MOTION to Amend/Correct 16 Scheduling Order. (KA) (Entered: 08/07/2007)
08/13/2007	51	ENDORSED LETTER addressed to Judge Robert P. Patterson from Marc B. Bassler dated 8/13/07 re: request for an expedited hearing concerning defendants' motion to amend the scheduling order and an extension of discovery until 9/28/07. ENDORSEMENT: Application GRANTED. Opposition papers due 8/15/07; reply papers due 8/16/07 and argument set for 8/17/07 at 10:00 a.m., Set Deadlines/Hearing as to Replies due by 8/16/2007,.Responses due by 8/15/2007,Oral Argument set for 8/17/2007 at 10:00 AM in Courtroom 24A, 500 Pearl Street, New York, NY 10007 before Judge Robert P. Patterson. (Signed by Judge Robert P. Patterson on 8/13/07) (db) (Entered: 08/14/2007)
08/14/2007	49	TRANSCRIPT of proceedings held on 8/6/07 before Judge Robert P. Patterson. (jbe) (Entered: 08/14/2007)
08/15/2007	52	MEMORANDUM OF LAW in Opposition re: 48 MOTION to Amend/Correct 16 Scheduling Order,. MOTION to Amend/Correct 16 Scheduling Order,.. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 08/15/2007)
08/16/2007	--	CASHIERS OFFICE REMARK on 50 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 08/03/2007, Receipt Number 622847. (jd) (Entered: 08/16/2007)
08/17/2007	53	ORDER. It is hereby Ordered that Defendants' Motion for Leave to Amend the Scheduling Order is Granted and it is further ordered that paragraph 4 of scheduling Order is amended such that all fact discovery having been completed, the party and third party depositions will be commenced in time to be completed by September 14, 2007.Deposition due by 9/14/2007. (Signed by Judge Robert P. Patterson on 8/17/2007) (jpo) (Entered: 08/20/2007)
08/17/2007	54	ORDER. It is hereby ordered that James J. Kozuch is permitted to appear pro hac vice in association with Movant as co-counsel to Apotex Corp. in this action. (Signed by Judge Robert P. Patterson on 8/17/2007) (jpo) (Entered: 08/20/2007)
09/04/2007	55	TRANSCRIPT of proceedings held on 8/17/07 before Judge Robert P. Patterson. (jbe) (Entered: 09/04/2007)
09/12/2007	56	STIPULATION REGARDING AUTHENTICITY OF DCOUMENTS REFERRED TO IN AUGUST 22, 2007 DEPOSITION OF DR. WILLIAM STERN: Plaintiffs Unigene Laboratories, Inc. hereby stipulate that the documents set forth in this Order are authentic and were prepared in the ordinary course of business. (Signed by Judge Robert P. Patterson on 9/12/07) (tro) (Entered: 09/12/2007)
09/13/2007	57	LETTER addressed to Judge Robert P. Patterson from William J. Castillo dated 9/6/07 re: defendant request an Order to remove the improper "Highly Confidential" designation of the deposition transcript of William Stern by Unigene Laboratories, Inc. and Upsher-Smith Laboratories, Inc. Document filed by Apotex, Corp., Apotex,Inc. HEARING SCHEDULED - 9/12/07 AT 9:30 A.M. (db) (Entered: 09/14/2007)
09/13/2007	58	LETTER addressed to Judge Robert P. Patterson from Joshua H. Harris dated 9/10/07 re: response to defendants 9/6/07 letter. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.(db) (Entered: 09/14/2007)
09/13/2007	59	LETTER addressed to Judge Robert P. Patterson from James J. Kozuch dated 9/10/07 re: request that Your

Honor enter an Order prohibiting plaintiffs from conducting a deposition of Apotex under FRCP 30(b)(6). Document filed by Apotex, Corp., Apotex, Inc.(db) (Entered: 09/14/2007)

09/13/2007 60 LETTER addressed to Judge Robert P. Patterson from Joshua H. Harris dated 9/11/07 re: response to defendants 9/10/07 letter regarding Rule 30(b)(6) deposition of defendants. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.(db) (Entered: 09/14/2007)

09/24/2007 62 TRANSCRIPT of proceedings held on 9/12/07 before Judge Robert P. Patterson. (jbe) (Entered: 09/24/2007)

10/24/2007 69 ENDORSED LETTER addressed to Judge Robert P. Patterson from Manny D. Pokotilow dated 10/19/2007 re: Defendants' reply memorandum in support of motion to compel discovery of assertedly privileged documents based on crime-fraud exception. The enclosed document was not electronically filed and is sought to be filed under seal because it contains information which has been designated by Plaintiff as " Highly Confidential" information. ENDORSEMENT: Application granted. Defendants Reply memorandum shall be filed under seal. SO ORDERED. (Signed by Judge Robert P. Patterson on 10/23/2007) (jmi) (Entered: 10/24/2007)

11/01/2007 71 ENDORSED LETTER addressed to Magistrate Judge Robert P. Patterson from Manny D. Pokotilow dated 11/1/07 re: Defendants requests that the Oral Argument in connection with Defendant's Motion to Compel Discovery of Assertedly Privileged Documents be scheduled for 10:00 a.m. on Tuesday, November 6, 2007. ENDORSEMENT: So Ordered. (Signed by Judge Robert P. Patterson on 11/1/07) (pl) (Entered: 11/02/2007)

11/06/2007 72 ENDORSED LETTER addressed to Judge Robert B. Patterson from Marc B. Bassler dated 11/6/07 re: I am writing on behalf of both parties in regards to the filing of the Parties' Opening Briefs regarding Markman Claim Interpretation Issues. It has come the parties' attention that the Court is closed on Monday, November 12, 2007 in observance of Veteran's Day. Therefore, the parties request that the Opening Briefs be filed and served on Tuesday, November 13, 2007. ENDORSEMENT: So Ordered. (Signed by Judge Robert P. Patterson on 11/6/07) (pl) (Entered: 11/07/2007)

11/13/2007 74 CLAIM CONSTRUCTION STATEMENT. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C)(Sweeney, John) (Entered: 11/13/2007)

11/13/2007 75 DECLARATION of Dr. Henry Kwan in Support re: 74 Claim Construction Statement. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Attachments: # 1 Exhibit Attachment 1# 2 Exhibit Attachment 2# 3 Exhibit Attachment 3# 4 Exhibit Attachment 4# 5 Exhibit Attachment 5 (part 1 of 2)# 6 Exhibit Attachment 5 (part 2 of 2))(Sweeney, John) (Entered: 11/13/2007)

11/13/2007 76 FIRST CLAIM CONSTRUCTION STATEMENT. Document filed by Apotex, Corp., Apotex, Inc.. (Attachments: # 1 Declaration - Castillo (1 of 2)# 2 Declaration - Castillo (2 of 2)# 3 Declaration - Klibanov# 4 Declaration - Langer (1 of 2)# 5 Declaration - Langer (2 of 2))(Castillo, William) (Entered: 11/13/2007)

11/21/2007 78 ENDORSED LETTER ENDORSED LETTER addressed to Judge Robert P Patterson from Michael J. Berkowitz dated 11/20/07 re: Your Honor has scheduled an Informal Conference for Wednesday, November 21, st.10:00 a.m. in Courtroom 4A regarding a discovery dispute between the parties. The counsel for Apotex most familiar with the facts and legal issues surrounding this dispute, James J. Kozuch, will be unable to attend the Informal Conference as he will be traveling in connection with the Thanksgiving Holiday. The undersigned counsel has discussed this matter with opposing counsel and has obtained several dates on which counsel for all parties would be available to attend a rescheduled Informal Conference. ENDORSEMENT: Application granted. Conference adjourned to Mon. Dec. 3, at 10:30 a.m. So Ordered. (Signed by Judge Robert P. Patterson on s) (pl) (Entered: 11/21/2007)

12/03/2007 -- Minute Entry for proceedings held before Judge Robert P. Patterson: Pretrial Conference held on 12/3/2007 concluded. (jmi) (Entered: 12/07/2007)

12/06/2007 79 ENDORSED LETTER addressed to Judge Robert P. Patterson from Marc B. Bassler dated 12/5/07 re: asking the Court if it would be helpful to have oral testimony from the parties' experts in the form of depositions or live testimony? ENDORSEMENT: Application denied. The Court will determine if oral testimony will be required after receipt of the reply briefs. SO ORDERED (Signed by Judge Robert P. Patterson on 12/6/07) (kco) (Entered: 12/06/2007)

01/02/2008 80 ENDORSED LETTER addressed to Judge Robert P. Patterson from Andrea Wayda dated 12/26/07 re: counsel for both parties request an expansion of the page limits for the parties' Reply Briefs Regarding Markman Claim Interpretation Issues from 10 pages to 15 pages. ENDORSEMENT: So Ordered. (Signed by Judge Robert P. Patterson on 12/31/07) (dle) Modified on 1/10/2008 (dle). (Entered: 01/02/2008)

01/04/2008 81 CLAIM CONSTRUCTION STATEMENT. Document filed by Apotex, Corp., Apotex, Inc.. (Attachments: # 1 Declaration of Klibanov)(Castillo, William) (Entered: 01/04/2008)

01/04/2008 82 CLAIM CONSTRUCTION STATEMENT. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc..(Sweeney, John) (Entered: 01/04/2008)

01/04/2008 83 DECLARATION of Henry Kwan in Support re: 82 Claim Construction Statement. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 01/04/2008)

01/04/2008 84 DECLARATION of Robert Raymond in Support re: 82 Claim Construction Statement. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 01/04/2008)

01/04/2008 85 DECLARATION of Andrea Wayda in Support re: 82 Claim Construction Statement. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D, # 5 Exhibit Exhibit E, # 6 Exhibit Exhibit F, # 7 Exhibit Exhibit G, # 8 Exhibit Exhibit H, # 9 Exhibit Exhibit I, # 10 Exhibit Exhibit J, # 11 Exhibit Exhibit K, # 12 Exhibit Exhibit L, # 13 Exhibit Exhibit M, # 14 Exhibit Exhibit N)(Sweeney, John) (Entered: 01/04/2008)

01/11/2008 86 TRANSCRIPT of proceedings held on 12/3/07 before Judge Robert P. Patterson. (dle) Modified on 1/11/2008 (dle). (Entered: 01/11/2008)

01/11/2008 87 TRANSCRIPT of proceedings held on 11/6/07 before Judge Robert P. Patterson. (dle) (Entered: 01/14/2008)

01/31/2008 88 ORDER that defendants Apotex, Inc. and Apotex Corp. requested an amendment of the Court's 4/9/07 ruling

denying Drs. Robert Langer and Michael Lipp access to Plaintiffs' Unigene Laboratories, Inc. and Upsher-Smith Laboratories, Inc. Confidential Material. Based on the parties' understanding and agreement, as set forth in a facsimile letter of January 29, 2008 from Joshua Harris, Esq. to Marc Bassler, Esq. regarding Dr. Michael Lipp. Dr. Michael Lipp is permitted access to Plaintiffs' Confidential Material pursuant to the terms of the Protective Order entered into by the parties on 2/14/07 and ordered by the Court on 2/15/07. (Signed by Judge Robert P. Patterson on 1/31/08) (dle) (Entered: 02/01/2008)

02/04/2008 89 OPINION AND ORDER # 95673: Defendants fail to make a prima facie case of fraud that would warrant compelling Plaintiffs to hand over the large number of privileged materials Defendants seek to discover. For the foregoing reasons, Defendants' motion to compel discovery (Doc. No. 63) is denied. So ordered. (Signed by Judge Robert P. Patterson on 2/4/08) Copies Mailed By Chambers.(js) Modified on 2/6/2008 (rw). (Entered: 02/05/2008)

02/20/2008 90 FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION for Reconsideration re; 89 Memorandum & Opinion, Of The February 4, 2008 Order Regarding Defendants' Motion to Compel Discovery (Proposed Order). Document filed by Apotex, Corp., Apotex,Inc.. (Attachments: # 1 Text of Proposed Order ProposedOrder)(Castillo, William) Modified on 2/21/2008 (jar). (Entered: 02/20/2008)

02/20/2008 91 FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Reconsideration re; 89 Memorandum & Opinion, Of The February 4, 2008 Order Regarding Defendants' Motion To Compel Discovery. Document filed by Apotex, Corp., Apotex,Inc.(Castillo, William) Modified on 2/21/2008 (jar). (Entered: 02/20/2008)

02/21/2008 -- \*\*\*NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney William Castillo to E-MAIL Document No. 90 Proposed Order to orders\_and\_judgments@nysd.uscourts.gov. This document is not filed via ECF. (jar) (Entered: 02/21/2008)

02/21/2008 -- \*\*\*NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney William Castillo to RE-FILE Document 91 MOTION for Reconsideration re; 89 Memorandum & Opinion, Of The February 4, 2008 Order Regarding Defendants' Motion To Compel Discovery. ERROR(S): Supporting documents must be filed individually. Event code Memorandum of Law in Support found under Replies, Oppositions, Supporting Documents. (jar) (Entered: 02/21/2008)

02/21/2008 92 MOTION for Reconsideration Of The February 4, 2008 Order Regarding Defendants' Motion To Compel Discovery. Document filed by Apotex, Corp., Apotex,Inc..(Castillo, William) (Entered: 02/21/2008)

02/21/2008 93 MEMORANDUM OF LAW in Support re: 92 MOTION for Reconsideration Of The February 4, 2008 Order Regarding Defendants' Motion To Compel Discovery.. Document filed by Apotex, Corp., Apotex,Inc.. (Castillo, William) (Entered: 02/21/2008)

02/26/2008 94 RESPONSE in Opposition re: 92 MOTION for Reconsideration Of The February 4, 2008 Order Regarding Defendants' Motion To Compel Discovery.. Document filed by Unigene Laboratories, Inc., Upsher-Smith Laboratories, Inc.. (Sweeney, John) (Entered: 02/26/2008)

02/28/2008 95 ORDER denying 92 Motion for Reconsideration. Defendants fail to raise facts or controlling decisions that Court overlooked in its February 4, 2008 ruling. Accordingly, based on the parties' submissions on Defendants' motion for reconsideration and Defendants' initial motion to compel discovery, Defendants' motion for reconsideration (Doc. No. 92) is hereby denied. IT IS SO ORDERED. (Signed by Judge Robert P. Patterson on 2/28/2008) Copies Mailed By Chambers.(jmi) (Entered: 02/28/2008)

05/02/2008 102 ENDORSED LETTER addressed to Judge Robert P. Patterson from Marc Bassler dated 5/2/08 re: Request to submit a short sur-reply on 5/9/08. ENDORSEMENT: Application denied. Sur replies are not contemplated by the FRCP. (Signed by Judge Robert P. Patterson on 5/2/08) (cd) (Entered: 05/05/2008)

05/20/2008 104 MEMO ENDORSEMENT re: 5/16/08 Transcript (Cover Page Only) of Appearance before Judge Robert P. Patterson on 5/16/08 at 2:15 p.m. ENDORSEMENT: Application Granted. Plaintiffs letter motion regarding outstanding discovery issues granted as further set forth in this transcript. SO ORDERED. (Signed by Judge Robert P. Patterson on 5/20/08) (db) (Entered: 05/20/2008)